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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,715	11/17/2003	Glen J. Anderson	P1596US01	2334

32709 7590 01/21/2009

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EXAMINER	
HUYNH, BA	

ART UNIT	PAPER NUMBER
2179	

MAIL DATE	DELIVERY MODE
01/21/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/714,715	ANDERSON, GLEN J.	
	Examiner	Art Unit	
	Ba Huynh	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 October 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,5,6,8,10-13,15,16,18,20-23 and 26-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,5,6,8,10-13,15, 16,18,20-23,26-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3, 5, 6, 8, 10-13, 15, 16, 18, 20-23, 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent #6,211,857 (Tani et al).

- As for claims 1, 11, 21. Tani et al (hereinafter Tani) teach a computer implemented method and corresponding system for creating a graphical user interface element from a picture created by an artist (1:35-41) or from a drawing created by a computer (1:42-45, 2:61-66), actions are defined for the captured pictures to create a graphical user interface element (2:1-5, 2:67-3:2, 5:13-28). Tani's teaching of picture created by an artist and then being displayed on a computer screen implies that the hard copy picture is scanned to be displayed on the computer screen. Even if it is not, official notice is taken that implementation of creating of a hard copy of a picture and scan the picture to display on a computer screen is well known in the art and would have been obvious in light of Tani's teaching of generating computer picture (1:35-56). Tani fails to specifically teach using the created GUI element in the designing of a web page. However one of skill in the art would be readily recognized that web page design would have been an obvious field of use for the created GUI element since

web page design requires the implementation of GUI elements for interaction.

- As for claims 2, 12, 22: The at least one user interface element includes at least one of a label, text box, scroll bar, button, group box, slider control, link and predefined element (2:18-23).

- As for claims 3, 13, 23. The at least one representation of the at least one user interface element is identified by at least one of color, shape, texture, size, border style and optical indicia (5:32-36).

- As for claims 5, 15: Tani teaches the method as described in claim 1, further comprising prompting a user to enter data of a particular type related to the at least one user interface element, wherein the received data is used for creating the GUI element (5:25-28, 6:7-21).

- As for claims 6, 16: The additional information is entered by at least one of scanning, typing and data download (6:7-21).

- As for claims 8, 18, 26: Tani teaches that picture of the GUI element can be created by and artist or by a computer drawing program appear to implies that the picture can be created on paper or a plastic sheet, or on a magnetic medium. Even if it is not, it would have been obvious to one of skill in the art, in light of Tani, for having the picture created on paper, plastic sheet, or on a magnetic storage medium.

- As for claims 10, 20, 28: Tani fails to teach that the tangible object is selected from group consisting of a sticker, a magnetic object, and a removable plastic object which is subject to electrostatic forces. However it would have been obvious to one of skill in the art in picture drawing that picture can be drawn on any suitable surface

including a sticker, a magnetic object, and a removable plastic object which is subject to electrostatic forces.

- As for claim 27: The at least one representation of the at least one user interface element is associated with an object capable of being positioned on the medium (2:8-16, 7:50-52, 16:59-63).

Response to Arguments

Applicant's arguments filed 10/30/08 have been fully considered but they are not persuasive.

Remarks:

The applicant argues that Tani neither teach "creating a hard copy picture" nor "scanning the hard copy picture to be displayed on a computer screen". In response to the argument, Tani teaches conventional methods of creating an interactive program using 1) defined pictures prepared by an art design specialist (1:35-41), 2) using pictures prepared by a computer drawing program (1:42-67). The later is more desirable because the design results can be stored, easily retrieved and edited. Thus it is implied that pictures prepared by the design artist are not created on a computer screen but on physical media. Tani's statement "a defined picture desired to be displayed on the screen" appears to imply scanning of the picture design by the art design specialist. Even if it is not, implementation of creating a hard copy of a picture and scanning the picture to display on a computer screen is well known in the art and would have been obvious in light of Tani's teaching. The applicant did not address the examiner's obviousness reasoning. In response to applicant's arguments against the references individually, one cannot show

nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

The applicant further argues that Tani does not teach the steps "positioning at a desired location at least one tangible object representing at least one user interface element on a tangible background medium to create a desired web page appearance". In response to the argument, the physical picture prepared by the art design ("tangible object") specialist is place on a desired location of a scanner ("tangible background") to create a scanned copy of the picture.

The examiner respectfully submits that the phrase "designing a web page" used in the office action implicitly includes "formatting an executable web page" in a particular layout and function.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: see attached PTO-892.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ba Huynh whose telephone number is (571) 272-4138. The examiner can normally be reached on Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ba Huynh

/Ba Huynh/

Primary Examiner, Art Unit 2179